

The Honorable Robert J. Bryan

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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 UGOCHUKWU GOODLUCK NWAUZOR,
11 FERNANDO AGUIRRE-URBINA,
12 individually and on behalf of all those
13 similarly situated,

14 Plaintiffs/Counter-Defendants,

15 v.

16 THE GEO GROUP, INC.,

17 Defendant/Counter-Claimant.

18 Case No. 3:17-cv-05769-RJB

19 **STIPULATED MOTION FOR RELIEF**
20 **FROM DISCOVERY DEADLINE**

21 **NOTE ON MOTION CALENDAR:**
22 November 22, 2019

23 Pursuant to Local Rules W.D. Wash. LCR 7(d)(1) and 10(g), the parties, by and
24 through their undersigned counsel, file this stipulated motion for an extension of the
discovery deadline for the purpose of completing certain depositions described below.¹ The
GEO Group, Inc. ("Defendant" or "GEO"), by and through its undersigned counsel, also files
this stipulated motion for an extension of the scheduling date pertaining to the dispositive
motion deadline the Court set in its Order Granting Joint Stipulated Motion For Extension of
Pretrial Deadlines.² Plaintiffs do not join in the request for an extension of the dispositive
motion deadline, but indicated they do not oppose the request for an extension of the
dispositive motion deadline.

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¹ See Order Granting Joint Stipulated Motion for Extension of Pretrial Deadlines (Dkt. 192).

² *Id.*

1. The current deadline for discovery to be completed is November 22, 2019, and the current deadline for filing dispositive motions is December 15, 2019.³ The parties request that the deadline for the completion of discovery be extended to December 20, 2019, for purposes of completing the following depositions only:

Deponent	Party Conducting Deposition
Erwin Delacruz	Plaintiffs
Marc Johnson	Plaintiffs
David Tracy	Plaintiffs
Michael Heye	Plaintiffs
Lezile Perrin	Defendant
Bruce Scott	Plaintiffs
GEO 30(b)(6)	Plaintiffs
Chris Strawn (Expert)	Defendant
Dr. Munson (Expert)	Defendant
State 30 (b)(6)	Defendant
Sean Murphy	Defendant

2. In connection with conducting the depositions the parties are still gathering the relevant documents for each witness. Accordingly, the parties agree that as part of this

3 Id.

1 discovery extension, each party may make one additional supplement to their Rule 26
 2 disclosures no later than December 2, 2019.

3 3. GEO also requests that the deadline for filing dispositive motions be extended
 4 to January 2, 2020. Under Fed. R. Civ. P. (6)(1)(a), the Court "may for good cause, extend the
 5 time . . . with or without motion or notice if the court acts, or if a request is made, before the
 6 original time or its extension expires." Under LCR 10(g), a motion to alter dates or
 7 schedules previously set by the court must clearly state the reasons justifying the proposed
 8 change.

9 4. This motion is timely because the above deadlines have not yet expired.

10 5. Good cause exists to extend the deadlines. The parties see a need to depose
 11 ten (10) witnesses in order to complete discovery in this case. Counsel for both parties have
 12 conflicting schedules and cannot complete the remaining depositions within the set discovery
 13 deadline. Plaintiffs intend to depose six (6) additional GEO witnesses on December 2nd,
 14 3rd, 4th, 9th and 10th of 2019. GEO intends to depose Plaintiffs' experts, Chris Strawn and
 15 Jeffrey Munson, on December 11th and 12th of 2019.

16 6. The State of Washington filed a Motion to Quash⁴ several of Defendant's
 17 noticed depositions and this Court granted the motion in part, and denied it in part. The
 18 parties are still working with the State of Washington to confirm dates for the State's
 19 witnesses, as of the filing of this Stipulation, Sean Murphy is not available until, at the
 20 earliest, December 19th. An extension of the discovery deadline to December 20, 2019
 21 should allow the parties to complete their depositions. In the event it does not, the parties
 22 have agreed that they will not object to any depositions of the State's witnesses (and those
 23 witnesses only) that are taken before December 27, 2019.

24 7. Additionally, it is GEO's position that an extension of the deadline to file
 25 dispositive motions will provide the parties adequate time to formulate and file their motions

27 4 Dkt. 195.

after the close of the extended discovery deadline. Without the extension of the dispositive motions deadline, the State's refusal to provide dates for the relevant witnesses, within the discovery deadlines, will be less prejudicial. Should the Court not extend the dispositive motions deadline, the State's motion to quash and subsequent refusal to make witnesses available on the dates originally noticed will severely prejudice GEO in its defense of this matter. Further, because the *Daubert* motion deadline is tied to the dispositive motions deadline, and because Plaintiffs' experts were not available for their depositions before the cut-off, GEO will also be prejudiced in that respect.

8. The parties do not request the extension of any other deadline set forth in the Court's Case Scheduling Order and no party will be prejudiced upon granting of the relief requested.

DATED this 22nd day of November, 2019.

By: s/ Colin L. Barnacle

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**STIPULATED MOTION FOR RELIEF FROM
DISCOVERY DEADLINE
(3:17-CV-05769-RJB) – PAGE 5**

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1 **PROOF OF SERVICE**

2 I hereby certify on the 22nd day of November, 2019, pursuant to Federal Rule of
3 Civil Procedure 5(b), I electronically filed and served the foregoing **STIPULATED**
4 **MOTION FOR RELIEF FROM DISCOVERY DEADLINE** via the Court's CM/ECF
5 system on the following:

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